

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HUMBERTO IRIBE,

Defendant.

CASE NO. 00cr1242 JM

**ORDER DENYING MOTION
FOR APPOINTMENT OF
ADDITIONAL COUNSEL**

Defendant moves for the appointment of additional counsel to assist him in defending this case. The Criminal Justice Act plan adopted by the Southern District of California provides that other than capital cases, the only circumstances under which a defendant may be appointed more than one attorney is where a case is “determined by the court to be extremely difficult.” General Order No. 499.

Defendant argues that this is an extremely difficult and extraordinary case because: (1) co-defendants in this case filed over forty pretrial motions and co-defendant Bailey continues to pursue her case in the Ninth Circuit; (2) the case involves “unusual aspect[s] of international law;” (3) the case involves conduct that occurred in the Republic of Mexico; (4) the Government has produced over 7,000 pages of discovery, 170 audio tapes, and further discovery is anticipated; (5) discovery in this case requires professional legal knowledge; (6) trial of co-defendants took fifteen days; (7) defendant faces a lengthy sentence; (8) the case may present interesting legal issues as the final overt act is alleged to be the murder of Mr. Richard Post; and (9) defendant’s exposure to criminal liability is “difficult to predict.” (Motion at p.2:11 - p.3:16). Defendant also requests the appointment of

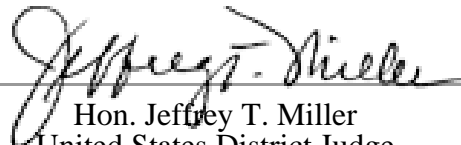
1 Mr. Carroll to assist him in this case.

2 The court concludes that the identified grounds are insufficient to establish that this is the type
3 of extremely difficult case warranting the appointment of two attorneys. The court notes that co-
4 defendant's counsel confronted many of the same issues confronted by defendant's counsel and did
5 so without the assistance of a second attorney; many of the international law related issues have
6 already been addressed by the court and parties; the occurrence of events in the Republic of Mexico
7 does not overly complicate this case; the amount of discovery produced in this case is relatively
8 modest; discovery in criminal cases routinely requires professional legal knowledge; a fifteen- day
9 trial is not overly burdensome; all defendants in this case faced lengthy sentences; the case does
10 present interesting legal issues; and criminal liability is frequently difficult to predict. On this record,
11 while presenting some complex issues, the complexity and degree of difficulty simply do not rise to
12 an extremely difficult level warranting the appointment of second counsel.

13 In sum, the motion for appointment of additional counsel is denied.

14 **IT IS SO ORDERED.**

15 DATED: March 22, 2007

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17 Hon. Jeffrey T. Miller
United States District Judge

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19 cc: All Parties
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